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7 UNITED STATES OF AMERICA,  
8 Plaintiff,  
9 v.  
10 FELIPE DIAZ-CHAIDEZ,  
11 Defendant.

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14 Case No. CR 09-1122-04 PJH  
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**ORDER GRANTING LEAVE TO FILE  
PRO SE MOTION TO REDUCE  
SENTENCE**

By order entered May 14, 2015, the court granted the motion of defendant Felipe Diaz-Chaidez for appointment of counsel to assist in filing a motion for reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10(b)(1), as amended by Amendment 782. The court appointed the Federal Public Defender's Office to represent defendant in seeking 18 U.S.C. § 3582(c)(2) relief. Appointed counsel filed a status report on June 16, 2015, stating that, after reviewing defendant's file, the Federal Public Defender's Office would not file a motion on defendant's behalf and would not oppose or respond to any report issued by the Probation Office.

On November 2, 2015, the United States Probation Office submitted a Sentence Reduction Investigation Report, which concluded that defendant is not entitled to a sentence reduction because he was sentenced to the statutory mandatory minimum of 120 months imprisonment, and his sentence cannot be further reduced.

Because no motion to reduce sentence has yet been filed on defendant's behalf, the court hereby grants defendant leave to file a pro se motion for reduction of sentence pursuant to § 3582(c)(2) and an opportunity to respond to the Sentence Reduction

1 Investigation Report. Defendant may file his motion seeking reduction of sentence and/or  
2 objections to the Sentence Reduction Investigation Report within 60 days of the date of  
3 this order. If defendant does not timely file a motion to reduce sentence or objections to  
4 the Sentence Reduction Investigation Report, the matter will be closed without prejudice.

5 **IT IS SO ORDERED.**

6 Dated: November 3, 2015



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PHYLLIS J. HAMILTON  
United States District Judge